

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT ARTHUR GOOSBY

)
)
)
)
)

Case No.: 1:06cr13-WKW

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, Robert Arthur Goosby, by and through the undersigned counsel, Jennifer A. Hart, and pursuant to 18 U.S.C. §§ 3161(h)(1)(H) and (I) and (h)(8)(B)(i). Moves this Court to continue the trial in this matter. In support of this Motion, Defendant would show the following:

1. On January 20, 2006, Robert Goosby was charged in a three-count Indictment with offenses relating to the theft of a truckload of tires which were traveling in interstate commerce.
2. This case is set for trial on the January 8, 2007 trial term.
3. Mr. Goosby has advised the Court that he does not intend to go to trial in this case.
4. Pursuant to a written plea agreement, Mr. Goosby has advised the Court that he intends to plead guilty to 2 counts of the Indictment.¹
5. Mr. Goosby is currently residing in Los Angeles, California and recently became unemployed.
6. The court has set this case for a Change of Plea hearing on January 2, 2007. However, due to Mr. Goosby's current financial situation and the short time between today's date

¹ Pursuant to the plea agreement, the third count will be dismissed by the Government at sentencing.

and the date of the scheduled hearing, Mr. Goosby respectfully requests that his case be continued so that, with the assistance of the Federal Defender Office, arrangements can be made for either his travel to the Middle District of Alabama, or possibly for his plea to be conducted via video-conferencing.

6. The Government does not oppose the granting of a continuance, nor does Mr. Goosby.

7. Requests for a continuance of trial are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521 (11th Cir. 1984). Additionally, pursuant to 18 U.S.C. §§ 3161(h)(1)(I) and (h)(8)(B)(i), it is in the interest of justice and within the discretion of the trial court to continue this matter to allow the parties to prepare a negotiated plea agreement to be considered by the Court.

WHEREFORE, based upon the foregoing, Robert Arthur Goosby respectfully requests that his case be continued past the January 8, 2007 trial term.

Dated this 28th day of December 2006.

Respectfully submitted,

s/Jennifer A. Hart
JENNIFER A. HART
FEDERAL DEFENDERS
MIDDLE DISTRICT OF ALABAMA
201 Monroe Street, Suite 407
Montgomery, AL 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
jennifer_hart@fd.org
AL Bar Code: HAR189

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Kent Brunson, Assistant U. S. Attorney, One Court Square, Suite 201, Montgomery, Alabama 36104.

Respectfully submitted,

s/Jennifer A. Hart

JENNIFER A. HART

FEDERAL DEFENDERS

MIDDLE DISTRICT OF ALABAMA

201 Monroe Street, Suite 407

Montgomery, AL 36104

Phone: (334) 834-2099

Fax: (334) 834-0353

jennifer_hart@fd.org

AL Bar Code: HAR189